



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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MEMORANDUM

TO: Philip E. Stutzman, Director of Compliance
FROM: Vicki Rippie, Executive Director
DATE: March 20, 2008
SUBJECT: Complaint Against Nick Licata, Seattle City Council Member

RCW 42.17.190 states in subsection (2) that unless authorized by subsection (3) or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying. Subsection (3) states that any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency.

RCW 42.17.020(31) defines "lobbying" as attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state Administrative Procedure Act, chapter 34.05 RCW.

Summary:

On February 27, 2008, Public Disclosure Commission staff received a telephone call from Seattle City Council member Nick Licata concerning a lobbying activity in which he had engaged. Councilmember Licata told PDC staff that he recently sent an email from his city computer to approximately 350 people asking them to contact the Chair of the House Transportation Committee and other committee members to ask them to support a bill addressing pedestrian safety. **(Exhibit 1)**

It appears that Councilmember Licata's actions encouraged others to contact the members of the House Transportation Committee on his behalf and ask committee members to support passage of particular legislation. This type of indirect lobbying is prohibited by RCW 42.17.190.



PDC staff spoke with Councilmember Licata and his Legislative Aide, Lisa Herbold, and found:

- Councilmember Licata composed the text of an email on his home computer telling readers of a bill currently before the State Legislature that could make Seattle streets safer for pedestrians by slowing down the speed of cars on the arterials that go through Seattle. It identified SSB 5363 in the House Transportation Committee that would allow speed cameras to be used on arterials in Seattle.
- On February 20, 2008, Councilmember Licata used his City of Seattle computer to send the email alert to a "pedestrian safety" email group of approximately 350 people within an existing database created over approximately the last two years by city council staff to notify citizens about: (1) Pedestrian safety related city-generated legislation; and (2) events of likely interest to the individuals in this group.
- The email urged recipients to contact Judy Clibborn, Chair of the House Transportation Committee, and other committee members, to ask them to support SSB 5363.
- Because of the pre-existing list, staff time used to send the email alert was a few minutes.

Alleged Violations

These facts indicate that Councilmember Nick Licata may have violated RCW 42.17.190 by lobbying members of the State Legislative House Transportation Committee in a manner prohibited by law.

Based on this information, I am filing this complaint and directing staff to investigate whether Councilmember Nick Licata violated chapter 42.17 RCW.

Vicki Rippie
Vicki Rippie, Executive Director *VR*

3/20/08
Date

Exhibits

Exhibit 1

Text of email sent by Councilmember Nick Licata